

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

APPROVED 2/1/2007

THURSDAY, January 4, 2007, 7:00 p.m.
Council Chambers, 26379 Fremont Road
cc: Cassettes (1) #1-07

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none.

3. PUBLIC HEARINGS

- 3.1 LANDS OF MOELLER, 11990 PAGE MILL ROAD (132-06-GD-ND-TM);
Negative Declaration and Tentative Map for a two-lot subdivision of a 2.657 net
acre parcel. (Staff-Brian Froelich).

Debbie Pedro, Planning Director reported that Brian Froelich had recently been promoted to Associate Planner and passed the AICP exam to become a Certified Planner.

Brian Froelich, Associate Planner presented the staff report and stated that the subject property was at the northwest corner of the Page Mill Road and Central Drive intersection. The proposal is for a two lot subdivision tentative map and mitigated negative declaration. The existing lot was 3.13 gross acres with a 16 ½ percent slope. The site was heavily vegetated with mature trees, especially around the perimeter. The lot included a drainage swale that ran west to east along the northern side of the property and a five foot utility easement for utility lines currently on poles. Required as part of the proposal was the dedication of a 10 foot right-of-way along Page Mill Road for a 30 foot half-width and 30 feet along Central Drive. The existing buildings would be removed with the exception of one barn. Recommended easements included a 10 foot pathway easement along Page Mill Road and an open space easement that covered the swale and portions of the property that were over 30 percent in slope. The new parcel A would have net 1.21 acres and a Lot Unit Factor of 1.079 and new parcel B would have a net 1.44 acres and Lot Unit Factor of 1.503. The conceptual development plan showed the footprints of 2 dwellings both with a two-story design. Both properties would have metered water detention basins and an earthen swale along the eastern boundary of parcel A that is required as part of the subdivision improvements. Proposed easements included a sanitary sewer easement for the benefit of parcel B along the eastern boundary of parcel A and an ingress/egress easement for a driveway over parcel B for the benefit of parcel A. Utility lines on the property were required to be put

underground as part of the subdivision improvements. Neighboring property owners of the Lands of Killian and Lee on Central Drive had requested that the entire utility line including the part that crossed their property be placed underground. Some of that agreement would be a private matter to be worked out between both neighbors and PG&E. Landscape screening had been requested by Mr. Killian and Ms. Lee at this stage of the proposal. They had expressed concerns about the driveway location compromising their privacy. The driveway shown on the plan for parcel A was ten feet away from their property and does meet design standards in the code. The driveway was placed in the Central Drive location shown on the plan with consideration that Page Mill Road was a busy road for access given the sight distance. The driveway placement would require less grading and fewer trees removed in this area. At the Subdivision Committee Meeting of December 19, 2006 a comment was received from a neighbor on Zappettini Court, Mr. Dierich, regarding the drainage in the area. Staff is seeking a recommendation to forward the tentative map and mitigated negative declaration to the City Council.

Commissioner Carey asked if there was a plan to underground the utilities that cross the property but no requirement in general for subdivisions to underground the utilities surrounding a subject property.

Commissioner Carey asked about the sanitary sewer proposal to connect to a private forced main and the probability of that connection.

Chairman Collins discussed the metered detention basins and the concern of the neighbors to receive no more than the current amount of water run-off on their property.

Brian Froelich explained a condition of approval that required drainage calculations be included before the final map is filed. The design must be based upon a one hour 100 year rain.

Pete Carlino, of Lea and Braze Engineering and representative for the applicant, said he had worked hard with staff to create a design that met all criteria, did not remove too many trees or disturb the land unnecessarily. He understood the concerns of the neighbors and would work to address solutions. The tentative map had been proposed with the best use of the land considered. The access on Page Mill Road was removed due to the volume and high speed of vehicles and the thick vegetation and trees along the road. He felt it would be difficult to build a safe pathway along Page Mill Road and recommended an in-lieu fee instead. The drainage on the properties would be restricted with retention designed at site development using larger diameter metering pipes. The location of the driveway to parcel A was considered the best location on the site as it disturbed the fewest number of mature trees along Central Drive. Sight distance is an issue along the front of the property and Town approval would be required to remove the four or five trees whose absence would help improve the desired clear line of sight of 150 feet.

Commissioner Carey asked about the possibility of putting the driveway access for parcel A off Page Mill Road instead of Central Drive.

Pete Carlino replied that current access is off Page Mill Road but the topography of the site is difficult and that location lacks an adequate line of sight because of the vegetation and trees. The

goal was for a 150 foot clear line of sight in each direction from a stopped vehicle at the driveway access for safety reasons. The intent was to have nothing that would obstruct the view for liability reasons.

OPENED PUBLIC HEARING

Waidy Lee, Central Drive, shared 400 feet of property line with the project and strongly objected to the current subdivision plan. The proposed driveway to parcel A presents problems. She felt the driveway was too close to her property at 10 feet away and the disturbance from the light and noise caused by the traffic would be a violation of the negative declaration. Landscape screening was limited with the easement along the driveway and proximity to the fence prevented reasonable plantings. The windows and French doors of her house would be only 40 feet from the proposed driveway and the interior of her house would be easily seen and privacy compromised. She wanted to challenge the negative declaration because of the loss of privacy and the annoyance from the vehicle lights and noise. Regarding utility lines and poles she understood that underground placement was a requirement for subdivisions. She had experienced power outages and fires in the past and would like the improvement in underground utilities.

Earl Killian, Central Drive, stated he was not trying to oppose the subdivision but make it a better project for everyone. He showed with plans the effect the vehicle lights would have on the interior of his home. He suggested an alternative placement of the driveway on the site that would solve the privacy problem for his house. He was pleased with the drainage solutions worked out by the applicants and staff. Placement of the utility lines underground across his property along with the undergrounding of utility lines on the subdivision property was desired.

Commissioner Cottrell confirmed with Mr. Killian that he was willing to agree to share the added cost to underground the utility lines on his property.

Mr. Killian stated he was willing to work with the applicant on that aspect of the project. He requested some landscape screening to be installed prior to the beginning of construction to prevent workers from seeing inside his house and cut down on the noise and dirt. He disagreed with the negative declaration stating that the placement of the driveway had no significant impact and felt the driveway definitely had significant impact on his property.

Commissioner Harpootlian asked where the mailbox location would be on the subdivision plan with the proposed driveway.

Commissioner Carey asked if the alternative driveway placement presented by Mr. Killian was in an allowable location. He felt that the driveway placed in that location would be a disadvantage for parcel B by cutting off part of the lot.

Nancy Ginzton, Pathways Committee member stated that the Pathways Committee was concerned about getting pedestrians off Page Mill Road. The Committee recommended the pathway along Page Mill Road and felt there was enough room with the 10 foot easement to construct the pathway.

Chairman Collins confirmed with Ms. Ginzton that after the Pathways Committee members had walked the area they felt that a pathway next to the edge of the pavement on the subdivision side was a better location than the opposite side of Page Mill Road.

Commissioner Carey wondered if over time more pathways would be constructed along Page Mill Road and if the objective of the Pathways Committee was to connect the pathways to create a useable path along a greater portion of the road.

Nancy Ginzton stated that pathways currently exist on Page Mill Road. These included both road side pathways and some “drop down” pathways that feel safer to users than those along the road.

Zamir Zuraek, Page Mill Road, told of a bicycle accident that occurred the previous weekend on Page Mill Road at Central Drive. He suggested that in the interest of safety perhaps a realignment of Central Drive could be considered to improve the sight distance and reduce the sharp curve.

CLOSED PUBLIC HEARING

Commissioner Clow disclosed that he had spoken to the real estate agent for the applicant and neighbors Earl Killian, Waidy Lee and Frank Dierich. He felt the proposed pathway would connect existing pathways on Page Mill Road and make a safer walking area. As submitted, the alignment of the driveway prevents a negative declaration because of the vehicle headlight disturbance for the neighboring house and the inability to install landscape screening plants on the utility easement. He suggested aligning the driveway toward Page Mill Road which could be accomplished without removing any heritage trees by following a line through the existing residences planned to be torn down. The light and noise would all be in one direction rather than on both sides of the new homes. Working with staff the applicant could file a negative declaration that would be valid by putting the driveway access off Central Drive. He supported the driveway closer to Page Mill Road with the removal of no trees. The undergrounding of the utilities could be worked out between the applicant and the Killians at the time the sewer arrangements are discussed as that will affect both properties also. He wanted the recommendation to state that the utility line would be undergrounded on both the applicant's subdivision property and the Killian's property from Page Mill Road if at all possible.

Commissioner Carey confirmed with staff that the 10 foot easement next to the proposed driveway on the submitted plans had restrictions for installing screening plants because it was a public utility easement.

Debbie Pedro explained that mitigation measures could be explored for the negative declaration if the Planning Commission would like to allow the driveway to stay in the submitted location. While possible for the driveway to be located on the other side of the property, staff would like to work with a civil engineer to design a plan. The driveway would need to comply with Town grading and code requirements.

Commissioner Carey felt the driveway was best suited in the location shown on the submitted plan. He thought the placement was not the best for the Killian property but the light from the vehicles could be adequately screened with a solid fence and plantings on their side. Access from Page Mill Road is not favored but the location of the driveway on the other side of the property would cause a burden on parcel B by cutting off a part of the lot. He supported the application as submitted.

Commissioner Cottrell suggested the applicant work on alternative driveway locations. Moving the driveway away from the Killian and Lee property would be advantageous if done without unfair penalty to parcel B. It was desirable to put power lines underground and the applicant could work with the neighbors to get that done. The applicant could not be held responsible for the entire burden of the undergrounding with the high cost and he recommended shared responsibility for the installation of the undergrounding. He felt the plan was fine but was opposed to the driveway placement next to the Killian and Lee property.

Commissioner Harpootlian stated that he had attended the Subdivision Review meeting on December 19, 2006. He would like the driveway moved to the location of the second proposal. He felt that location has advantages over the proposed plan. He encouraged the applicant to work with the neighbors to complete the power line undergrounding. He felt the overall plan was good and would create two beautiful pieces of property with lovely trees.

Chairman Collins felt the proposed driveway location was intrusive and a hardship on the neighbors. She would like alternative locations considered for the driveway but with no access from Page Mill Road. She would support the driveway relocation proposed tonight with minimal removal of trees. She supported the statements of the other Commissioners regarding the utility undergrounding with cooperation among neighbors recommended.

Commissioner Carey asked staff if it was possible to place a gravel surface driveway on an easement above an underground utility to create more area for installing screening plants. Utility lines under an unpaved driveway could be accessed without disturbing plantings.

Debbie Pedro, Planning Director said it might be possible but the Fire District would have to be consulted for conformance with fire truck requirements. She suggested another option would be to move the driveway over a few feet and require the applicants to dedicate more land to increase the easement size. Additional area for landscape screening would be created next to the property line.

Peter Carlino, representative for the applicant agreed to work with staff on designing a design for an alternative driveway location. The major concern for the driveway placement was line of sight distance and removal of as few trees as possible. He requested a conditional approval to work with staff to develop a plan for a driveway but it may require the removal of a few trees.

Debbie Pedro confirmed with the Planning Commission that the approval would include the possible removal of as few heritage oak trees as possible.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to recommend to City Council for Lands of Moeller, 11990 Page Mill Road an adoption of the mitigated negative declaration and mitigation monitoring program understanding that a realignment of the driveway working with staff will remove the possible significant impact from the glare of headlights; and a recommendation to City Council for approval of the tentative map.

AYES: Commissioners Clow, Cottrell, Harpootlian and Chairman Collins
NOES: Commissioner Carey

This decision will be forwarded to be heard at a future City Council meeting.

- 3.2 LANDS OF LOS ALTOS HILLS, 26379 FREMONT ROAD (227-06-CUP);
Review of the Conditional Use Permit for Town Hall Facilities at 26379 Fremont Road. A review of the use permit is required one year after final inspection of the Town Hall buildings to ensure that the use remains in compliance with the conditions of approval. (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner presented the staff report beginning with a correction to page 2 in the second paragraph that "Los Altos Civic Association" should read "Los Altos Hills civic associations such as Los Altos Hills Historical Society and Los Altos Hills Horseman's Association". The Town Hall has been operating under a conditional use permit approved by the City Council on March 4, 2004. Conditions of approval required review of the use permit the first year after construction was completed on the new Town Hall. Since Town Hall operations started at the new facility in June of 2005, two complaints have been received from an adjacent neighbor regarding leaf blower and garbage pick up noise. To minimize noise impact to neighboring residences, a condition is recommended be added to limit the use of leaf blowers and garbage pick up times to 8:00 a.m. to 5:00 p.m. Monday through Friday. In addition, staff is recommending the deletion of condition 4 regarding temporary office trailers on the site.

Debbie Pedro, Planning Director explained that an email received the previous day from Mark Breier, adjacent neighbor, commented on the use permit for Town Hall. Mr. Breier's first comment was that the landscaping to screen his property from the new Town Hall structure had not been finished or does not seem to be on target to be finished. The landscape screening plan approved by City Council showed the screening installed prior to the final inspection of the building. Some of the plants were small upon installation including 15 gallon trees that are growing. Recently, three 36" box oaks were planted to improve screening as part of the Cingular wireless tower permit requirements. The second comment regarded lighting at the back of Council Chambers that remained brightly lit all night and detracted from the rural nature of the neighborhood. Debbie explained that several lights were installed in that location but after receiving complaints last year three lights have been turned off with one light remaining above the restrooms and a few lights around the building left on for security purposes.

Commissioner Cottrell asked if the installed landscape plants had survived and grown.

Commissioner Harpootlian asked about the lights along the side doors of the Council Chambers and the feasibility of motion sensor installation.

Debbie Pedro replied that the use of motion sensors could be explored but the lights are on for security purposes as a public building and the minimal amount of lighting was being used around the structures.

Commissioner Harpootlian inquired about the type of events held at Town Hall.

Debbie Pedro stated that the Town had an established protocol approved by City Council in June, 2005 for scheduling meetings at Town Hall in Council Chambers and meeting spaces. There are regulations on facility use to non-profit and non-commercial groups that consist primarily of Town residents and benefit the Town or community by educational or cultural means.

OPENED PUBLIC HEARING

Mark Breier, resident of Esperanza Drive, spoke of “neighbor type” issues with the new Town Hall facility. He referenced a section of the negative declaration for the Town Hall conditional use permit that mentioned mature trees would be used for landscape screening. The light emanating from the restroom corridor fixture is aimed directly at the outdoor patio of his property and the illumination permits a view of the building from his yard. He also was concerned about the lawn movers and leaf blowers being run before 8:00 in the morning and on holidays. He had to come to the Town Hall at 7:20 a.m. last December 23rd to stop landscape workers making noise. He asked for the three issues to be addressed; the light at the back of the Council Chambers, the noise from the landscape maintenance crews and some assurance that the growth for the landscape screening is progressing on target.

Commissioner Clow asked if a light baffle hanging down from the building would shield some of the light.

Commissioner Harpootlian asked if the light was shining directly into the property.

Mr. Breier explained he can see the light itself shining and the broadcast light everywhere in the yard. The yard has gone from complete darkness to having light continuously.

Commissioner Carey asked if there were any code issues related to the exterior light that would be different from a residence.

Debbie Pedro explained that the building code requires a light at each doorway but staff could look at altering the fixture so the light does not glare on the side of Mr. Breier’s property.

CLOSED PUBLIC HEARING

Commissioner Cottrell felt that Mr. Breier had stated reasonable concerns and staff should do all it can to mitigate those concerns.

Commissioner Carey supported the Conditional Use Permit renewal and felt the immature landscaping was a relatively common situation with time needed to allow the plantings to grow. The plants must continue to remain viable and true to the original plan. He wouldn't alter the conditional use permit for the lighting concern but felt it could be worked on between staff and Mr. Breier to find a correction. He felt staff had written in a solution to the noise issue in the added condition number 5. He approved the renewal of the conditional use permit as presented by staff.

Commissioner Clow supported the renewal of the conditional use permit. He felt that with staff and Mr. Breier working together a solution would be found to mitigate Mr. Breier's problem and meet the Town's safety requirements. The Town had a responsibility to act as a good neighbor.

Chairman Collins requested staff to correct the problem and screen the light intruding into Mr. Breier's property without violating minimal security standards. She supported the renewal of the conditional use permit as presented. She had questions about the landscapers still working before 8:00 a.m. even after being notified about working hours.

Discussion ensued among the Commissioners and Mr. Breier regarding the noise ordinance abuse and solutions at Town Hall and in other locations in Town.

MOTION SECONDED AND PASSED BY THE FOLLOWING VOICE VOTE: Motion by Commissioner Carey and seconded by Chairman Collins that the Planning Commission finds that the Town Hall facilities are in compliance with the conditional use permit and recommends the approval of the amendment to the conditions of approval in Attachment 1.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian
NOES: None

This decision will be forwarded to be heard at a future City Council meeting.

4. OLD BUSINESS-none

5. NEW BUSINESS

5.1 QUARTERLY SOLAR REPORT

Nicole Horvitz presented the staff report for the fourth quarter of 2006. Between October and December, nine site development and building permits were issued for the construction of solar panels. Seven permits were for roof mounted systems, two were for ground mounted systems and there were no installations that included tracker devices.

5.2 CITY COUNCIL MEETING ATTENDANCE UPDATE

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for Oct. 26th-Commissioner Cottrell
- 6.2 Planning Commission Representative for Nov. 9th-Commissioner Harpootlian
- 6.3. Planning Commission Representative for Nov. 23rd-Cancelled
- 6.4 Planning Commission Representative for Dec. 14th-Commissioner Clow

Commissioner Clow reported on the topics of District reorganization, the fee schedule for Town services and the energy efficiency requirement ordinance.

- 6.5 Planning Commission Representative for Dec. 28th-Cancelled
- 6.6 Planning Commission Representative for Jan. 11th-Commissioner Carey
- 6.7 Planning Commission Representative for Jan. 25th-Commissioner Harpootlian

7. APPROVAL OF MINUTES

- 7.1 Approval of October 19, 2006 minutes

MOTION SECONDED AND APPROVED BY THE FOLLOWING VOICE VOTE: Motion by Commissioner Carey, seconded by Commissioner Clow to approve the October 19, 2006 minutes as presented.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian
NOES: None

8. REPORT FROM FAST TRACK MEETING-NOVEMBER 7, 2006 AND JANUARY 2, 2007

- 8.1 LANDS OF YU, 14329 Miranda Way (69-06-ZP-SD-GD); A request for a Site Development Permit for a 5,605 square foot two-story new residence with a 2,725 square foot basement, a 851sq. ft. attached secondary dwelling unit (maximum height: 26'10"), and development area bonus of 500 sq. ft. per solar ordinance Section 10-1.502.b.6 CEQA review - Categorical Exemption 15303(a) (Staff-Nicole Horvitz).

Debbie Pedro, Planning Director noted that the Lands of Yu new residence project had utilized the 500 square foot solar bonus for development area.

- 8.2 LANDS OF ASKARINAM, 25844 Springhill Road (150-06-ZP-SD); A request for a Site Development Permit for a new 8,532 square foot, two-story residence (maximum height 29'6") and a 7,000 square foot tennis court. CEQA review Categorical Exemption 15303(a) - (Staff-Nicole Horvitz). (CONTINUED FROM DECEMBER 12, 2006)

Debbie Pedro, Planning Director stated that the Lands of Askarinam new residence project had increased the height of the new residence to 29'6" by taking a larger setback.

9. REPORT FROM SITE DEVELOPMENT MEETING–OCTOBER 24, NOVEMBER 21
AND DECEMBER 27, 2006

- 9.1 LANDS OF BHARGAVA, 11860 Francemont Drive (187-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan of the new 4,990 square foot residence with a 964 basement approved in June 2005. CEQA review - Categorical Exemption Section 15304(b) (Staff-Nicole Horvitz).
- 9.2 LANDS OF LIZAUR, 11571 Buena Vista Drive (131-06-ZP-SD); A request for a Site Development Permit for a 256 square foot second story +addition and a 660 sq. ft. secondary dwelling unit (maximum height: 23'). CEQA review - Categorical Exemption 15301(e) (staff-Debbie Pedro).
- 9.3 LANDS OF JONES, 26347 Esperanza Drive (222-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan. CEQA review - Categorical Exemption 15304(b) (staff-Brian Froelich).
- 9.4 LANDS OF UNLU, 25701 Deerfield Drive (154-06-ZP-SD) A request for a Site Development Permit for a landscape screening plan. CEQA review - Categorical Exemption 15304(b) (Staff-Nicole Horvitz).
- 9.5

10. ADJOURNMENT

The meeting was adjourned by consensus at 8:37 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary